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To Duties
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Health Officers

Compiled from Revised Civil
Statutes of Texas
(1925)



FOR DISTRIBUTION

BY

STATE DEPARTMENT OF
HEALTH

AUSTIN, TEXAS

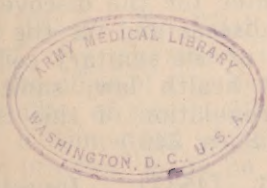
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Texas, Laws, Statutes, etc

Laws Pertaining To Duties of County and City Health Officers

Compiled from Revised Civil
Statutes of Texas
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HEALTH

AUSTIN, TEXAS

LAWS PERTAINING TO DUTIES OF COUNTY AND CITY HEALTH OFFICERS

	Article
May enter and inspect.....	4420
Investigation by board.....	4421
No county physician.....	4422
County health officer.....	4423
No city physician.....	4424
City Health officer.....	4425
Health officers appointed by board, when.....	4426
Duties of county health officers.....	4427
Removal of county health officer.....	4428
Charges against county health officer.....	4429
Duties of city health officer.....	4430
City health officer removed.....	4431
Charges against city health officer.....	4432
Annual conference.....	4433
Co-operation.....	4434
In unincorporated towns.....	4435
Health control in certain cities.....	4436
Hospitals.....	4437
Indigent sick.....	4438
Protecting eyes of newborn.....	4441
Maternity home.....	4442
Polluting public body of water.....	4444
Veneral diseases.....	4445
Legal proceedings.....	4446
Charbon districts.....	4447

Art. 4420 [4536]. May Enter and Inspect.—The members of the State Board of Health or any person duly authorized by them, upon presentation of proper authority in writing, are hereby empowered, whenever they may deem it necessary in pursuance of their duties, to enter into, examine, investigate, inspect and view any ground, public building, factory, slaughter house, packing house, abattoir, dairy, bakery, manufactory, hotel, restaurant and any other public place and public building where they deem it proper to enter for the discovery and suppression of disease and for the enforcement of the rules of the sanitary code for Texas and of any health law, sanitary law or quarantine regulation of this State. (Acts 1909, 1st C. S., p. 340.)

Art. 4421 [4537]. Investigations by Board.—The members of said Board of Health and its officers are severally authorized to administer oaths and to summon witnesses and compel their attendance in all matters proper for said board to investigate, such as the determination of nuisances, investigation of public water supplies, of any sanitary conditions, of the existence of infection, or the investigation of any matter

requiring the exercise of the discretionary powers invested in said board and its officers and members and in the general scope of its authority invested by this chapter. The several district judges and courts are hereby charged with the duty of aiding said board in its investigations and in compelling due observance of the provisions of this chapter; and if any witness summoned by said board or any of its officers or members shall prove disobedient or disrespectful to the lawful authority of such board, officer or member, such person shall be punished by the district court of the county in which such witness is summoned to appear, as for contempt of said court. [Id.]

Art. 4422 [4538]. **No County Physician.**—The office of county health officer shall be filled by a competent physician legally qualified to practice under the laws of this State and of reputable professional standing. [Id.]

Art. 4423 [4539]. **County Health Officer.**—The commissioners court by a majority vote in each organized county shall biennially appoint a proper person for the office of county health officer for his county, who shall hold office for two years. Said county health officer shall take and subscribe to the official oath, and shall file a copy of such oath and a copy of his appointment with the Texas State Board of Health; and, until such copies are so filed, said officer shall not be deemed legally qualified. Compensation of said county health officer shall be fixed by the commissioners court; provided, that no compensation or salary shall be allowed except for services actually rendered. [Id.]

Art. 4424 [4540]. **No City Physician.**—The office of city physician is abolished, and instead the office of city health officer is created. The office of city health officer shall be filled by a competent physician, legally qualified to practice medicine within this State, of reputable professional standing. [Id.]

Art. 4425 [4541]. **City Health Officer.**—The governing body of each incorporated city and town within this State shall elect a qualified person for the office of city health officer by a majority of the votes of the governing body, except in cities which may be operated under a charter providing for a different

method of selecting city physicians, in which event the office of city health officer shall be filled as is now filled by the city physician, but in no instance shall the office of city health officer be abolished. The city health officer, after appointment, shall take and subscribe to the official oath, and shall file a copy of such oath and a copy of his appointment with the Texas Board of Health, and shall not be deemed to be legally qualified until said copies shall have been so filed. [Id.]

Art. 4426 [4542]. **Health Officers Appoint by Board, When.**—If said authorities shall fail, neglect or refuse to fill the office of county or city health officer as in this chapter provided then the State Board of Health shall have the power to appoint such county or city health officer to hold office, until the local authorities shall fill said office, first having given ten days notice in writing to such authority of the desire for such appointment. [Id.]

Art. 4427 [4543]. **Duties of County Health Officer.**—Each county health officer shall perform such duties as have been required of county physicians, with relation to caring for the prisoners in county jails and in caring for the inmates of county poor farms, hospitals, discharging duties of county quarantine and other such duties as may be lawfully required of the county physician by the commissioners court and other officers of the county, and shall discharge any additional duties which it may be proper for county authorities under the present laws to require of county physicians; and, in addition thereto, he shall discharge such duties as shall be prescribed for him under the rules, regulations and requirements of the Texas State Board of Health, or the president thereof, and is empowered and authorized to establish, maintain and enforce quarantine within his county. He shall also be required to aid and assist the State Board of Health in all matters of local quarantine, inspection, disease prevention and suppression, vital and mortuary statistics and general sanitation within his county; and he shall at all times report to said State Board, in such manner and form as it shall prescribe, the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction;

and he shall make such other and further report in such manner and form and at such times as said State Board shall direct; touching on such matters as may be proper for said State board to direct; and he shall aid said State board at all times in the enforcement of its proper rules, regulations, requirements and ordinances, and in the enforcement of all sanitary laws, and quarantine regulations within his jurisdiction. [Id.]

Art. 4428 [4544]. Removal of County Health Officer.—In all matters with which the State Board of Health may be clothed with authority, said county health officer shall at all times be under its direction; and any failure or refusal on the part of said county health officer to obey the authority and reasonable commands of said State Board of Health shall constitute malfeasance in office, and shall subject said county health officer to removal from office at the relation of the State Board of Health; and pending charges for removal, said county health officer shall not receive any salary or compensation. Said case shall be tried in the district court of the county in which such county health officer resides. [Id.]

Art. 4429. [4546]. Charges Against County Health Officer.—If any county health officer shall fail or refuse to properly discharge the duties of his office, as prescribed by this chapter, the State Board of Health shall file charges with the commissioners court for the proper county, specifying wherein such officer has failed in the discharge of his duties; and at the same time the State Board of Health shall file a protest with the county clerk and the county treasurer against the payment of further fees, salary or allowance to said county health officer; and, pending such protest and charges, it shall not be lawful for such county health officer to be paid or to receive any subsequently earned salary, fees or allowances on account of his office, unless such charges are shown to be untrue and are not sustained. After five days notice in writing to said county health officer, the commissioners court shall hear the charges, at which hearing the county judge shall preside, and the State Board of Health may be represented. Either party, the State Board or the county health officer, may appeal from the decision of said court to the district court

of the county; and, pending such appeal, no salary, fees or allowances shall be paid to said county health officer for any subsequently earned salary; and, if the charges shall be sustained, the county health officer shall be adjudged to pay all costs of court, and shall forfeit all salary, fees and allowances, earned subsequently to the date of filing the charges and protests. [Id.]

Art 4430 [4548]. Duties of City Health Officer.—Each city health officer shall perform such duties as may be required of him by general law and city ordinances with regard to the general health and sanitation of towns and cities, and perform such other duties as shall be legally required of him by the mayor, governing body or the ordinances of his city or town. He shall discharge and perform such duties as may be prescribed for him under the direction, rules, regulations and requirements of the State Board of Health and the president thereof. He shall be required to aid and assist the State Board of Health in all matters of quarantine, vital and mortuary statistics, inspection, disease prevention and suppression and sanitation within his jurisdiction. He shall at all times report to the State Board of Health, in such manner and form as said board may prescribe, the presence of all contagious, infectious and dangerous epidemic diseases within his jurisdiction, and shall make such other and further reports in such manner and form and at such times as said State Board shall direct, touching all such matters as may be proper for said board to direct, and he shall aid said State board at all times in the enforcement of proper rules, regulations and requirements in the enforcement of all sanitary laws, quarantine regulations and vital statistics collection, and perform such other duties as said State Board shall direct. [Id.]

Art. 4431 [4549]. City Health Officer Removed.—Inn all matters in which the State Board of Health may be clothed with authority said city health officer shall at all times be governed by the authority of said board, and failure or refusal on the part of said city health officer to properly perform the duties of his office as prescribed by this chapter shall constitute malfeasance in office, and shall subject said city health officer

to removal from office at the relation of the State Board of Health. Said cause shall be tried in the district court of the county in which such city health officer resides. [Id.]

Art. 4432 [4550]. Charges Against City Health Officer.—If said city health officer fails or refuses to properly discharge his duties of his office, the State Board of Health shall file charges against said city health officer with the governing body of the proper town or city, which shall specify in what particulars said city health officer has failed in respect to the discharge of his duties, and shall at the same time file a protest with the city secretary and city treasurer against the payment to said city health officer of further fees, salary or allowances; and, pending such charges and protest, no further salary, fees or allowance shall be paid to said city health officer, unless such charges are shown to be untrue and not sustained. After five days notice in writing to said city health officer, the charges shall be heard before the mayor and governing body of the town or city in which said city health officer shall reside, at which hearing the State Board of Health may be represented and either the city health officer or the State Board of Health shall have the right of appeal to the county court of the county in which the city or town is situated. If said charges be sustained, said city health officer shall be adjudged to pay all costs of court, and forfeit all salary, fees and allowances accrued subsequent to the date of filing of the charges and protest originally and which may be due him on account of his office. [Id.]

Art. 4433 [4552]. Annual Conference.—An annual conference of county and city health officers of this State shall be held at such time and place as the State Board of Health shall designate, at which conference the president or some member of said State Board shall preside. The several counties, towns and cities may provide for and pay the necessary expenses of its county health officer or city health officer for attendance upon said conference. [Id.]

Art. 4434 [1547] [1547]. Co-operation.—The municipal authorities of towns and cities, and commissioners courts of the counties wherein such towns and cities are situated,

may co-operate with each other in making such improvements connected with said towns, cities and counties as said authorities and courts may deem necessary to improve the public health and to promote efficient sanitary regulations; and, by mutual arrangement, they may provide for the construction of said improvements and the payment therefor. (Acts S. S. 1879, p. 9; G. L. Vol. 9, p. 41.)

Art. 4435 [2248-49]. In Unincorporated Towns.—The commissioners court of any county in which an unincorporated town or village may be situated, shall have power to designate the lines of such town or village, and may appoint a board of health for it, consisting of three persons, two or more of whom shall be regular practicing physicians. Said court when such appointments are made shall at once notify the State Health Officer. Said board shall elect one of their numbers as presiding officer; and such presiding officer, if the premises of any citizen residing within the prescribed limits of said town or village are in an unclean or unhealthy condition, shall notify him of the fact, and that he must proceed at once to clean the same. (Act 1889, p. 139; Acts 1st C. S. 1901, p. 29.)

Art. 4436 [984]. Health Control in Certain Cities.—In cities of thirty-five thousand population, or over, the governing body of a city or town whether acting under a special charter or incorporated under the general laws of Texas, shall have the power to require the filling up, drainage, and regulating of any lot or lots, grounds or yards, or any other places in the city or town which shall be unwholesome, or have stagnant water therein, or from any other cause be in such condition as to be liable to produce disease; to cause all premises to be inspected and to impose fines on the owners of houses under which stagnant water may be found, or upon whose premises such stagnant water may be found, and to pass upon ordinances as they may deem necessary for the purposes aforesaid and for making, filling up, altering or repairing of all sinks, and privies, and directing the mode and material for constructing them in the future, and for cleaning and disinfecting the same; and for cleaning of any house, building, establishment, lot, yard or

ground from filth, carrion or other impure or unwholesome matter of any kind; to require the owner of any lot or lots within such city or town to keep the same free from weeds, rubbish, brush and any and all other objectionable, unsightly or unsanitary matter of whatsoever nature, and if such owner fails or refuses to do so, within ten days after notice in writing, or by letter addressed to such owner at his post-office address, or by publication as many as two times within ten consecutive days, if personal service may not be had as aforesaid, or the owner's address be not know, such city or town may do such work or may cause the same to be done and may pay therefor and charge the expenses incurred in doing or having such work done or improvements made, to the owner of such property as herein provided; and to punish any owner or occupant violating the provisions of any ordinance so passed, as aforesaid; and the governing body of such town or city shall also, in addition to the foregoing remedy, have the power to cause any of the improvements above mentioned to be done at the expense of the city or town, on account of the owners, and cause the expense thereof to be assessed on the real estate, or lot or lots upon which such expense is incurred. On filing with the county clerk of the county in which the city or town is situated, a statement by the mayor or city health officer of such city or town of such expenses, such city or town shall have a privileged lien thereon, second only to tax liens and liens for street improvements to secure the expenditures so made, and ten per cent interest on the amount from the date of such payment. For any such expenditures and interest, as aforesaid, suit may be instituted and recovery and foreclosure had in the name of the corporation; and the statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements. (Acts 1875, p. 113, G. L. Vol. 8, p. 485; Acts 1917 p. 405.)

Art. 4437. **Hospitals.**—If by will or otherwise a fund of fifty thousand dollars or more was or may be left to establish and maintain a hospital in a city of ten thousand or more inhabitants, in which hospital the sick and wounded of such city or of this

State may be admitted and receive medical and surgical attention, the commissioners court of the county and the governing body of the city in which said hospital shall be established, either or both, may from time to time appropriate and pay toward the maintenance of such hospital such sums of money as in the judgment of such court or body making such appropriation may be proper to provide hospital accommodations and medical and surgical attention for the sick and wounded of such county or city who are indigent. (Acts 1921, p. 93.)

Art. 4438 [2247] [1543] [1520]. **Indigent Sick.**—If there is a regular established public hospital in the county, the commissioners court shall provide for sending the indigent sick of the county to such hospital. If more than one such hospital exists in the county, the indigent patient shall have the right to select which one of them he shall be sent to. (Acts 1876, p. 51; G. L. Vol. 8, p. 890).

Art. 4441. **Protecting Eyes of New-Born.**—All doctors, midwives, nurses or those in attendance at child birth, shall use prophylactic drops in the child's eyes of a one per cent solution of silver nitrate or other prophylactic solution approved by the State Board of Health, to prevent ophthalmia neonatorum in the new-born, and said board shall furnish such solution or other prophylactic drops free of cost to the poor of the State, namely those upon whom it would work a hardship to buy the same. (Acts 1921, p. 172.)

Art. 4442. **Maternity Home.**—

1. Every individual, firm, association, or corporation, owning, keeping, conducting or managing an institution or home for the boarding or sheltering of infant children, or so-called "Baby Farm", or any lying-in Hospital, hospital ward, maternity home or other place for the reception, care and treatment of pregnant women, and charging a fee or receiving or expecting compensation in the way of room rent or board, shall obtain an annual license which shall be issued by the State Board of Health without fee, shall not be transferable to other persons or other premises, and shall expire on the thirty-first

day of December next following the issuance. The application for such license shall state the name and address of the licensee, the specific location of the building used, and the number of inmates which may be boarded there at one time, and shall be approved by the local health officer. No greater number of inmates shall be housed at one time in the building than is authorized by the license, and no pregnant woman or infant shall be kept in a building or place not designated in the license. A record of licenses issued shall be kept by the State Board of Health.

2. Whenever any such license is issued, the board shall forthwith give notice of the granting and terms to the local health officer, who shall keep informed of the nature and reputation of every such institution in his jurisdiction, and shall visit and inspect the same from time to time, and for such purposes shall at all reasonable hours be given free and unrestricted access to such institution.

3. Every such licensee shall report to the local health officer, within twenty-four hours next after it occurs, the birth of any child, including stillborn or prematurely born children at such institution; the arrival of any child, stating the name, sex, age, color, and from whom received; and the removal of any child, stating its name, age, and disposition made of it.

4. Wherever a keeper, manager, or owner of any such institution as is defined in this article shall be convicted of keeping or conducting a "disorderly house" as that term is defined in the Penal Code, the State Board of Health shall forthwith revoke the license issued authorizing the keeping of such house; and should any such manager, keeper or owner refuse to permit any person authorized by this article to inspect such house at any reasonable hour, or should they fail to make such reports to the local health officer within the time and in the manner required by this article, then said State Board of Health may suspend said license for any period of time not to exceed six months. Upon any subsequent failure to permit such visits of inspection, or to make said reports, said State Board of Health is authorized to

revoke the license issued for the conducting of such house. (Acts 1921, p. 146.)

Art. 4444. Polluting Public Body of Water.—No person, firm or corporation private or municipal, shall pollute any water course or other public body of water, by throwing, casting or depositing or causing to be thrown, cast or deposited any crude petroleum, oil or other like substance therein, or pollute any water course, or other public body of water from which water is taken for the uses of farm livestock, drinking and domestic purposes, in this State, by the discharge, directly or indirectly, of any sewage, or unclean water or unclean or polluting matter or thing therein, or in such proximity thereto that it will probably reach and pollute the waters of such water course or other public body of water from which water is taken, for said uses. Drain ditches, where waste oil finds its way into water courses or public bodies of water, shall be equipped with traps of sufficient capacity to arrest the flow of oil. In so far as concerns the protection of fish and oysters, the Game, Fish and Oyster Commissioner or his deputies, may have jurisdiction in the enforcement hereof. This article shall not apply to any place or premises of manufacturing plants whose affluents contain no organic matter that will putrify, or any poisonous compounds or any bacteria dangerous to public health or destructive of the fish life of streams or other public bodies of water. Upon the conviction of any person for violating this law, the court or judge thereof in which such conviction is had, shall issue a writ of injunction enjoining and restraining the person or corporation responsible for such pollution. For a violation of such injunction, the said court and the judge thereof shall have the power of fine and imprisonment as for contempt of court within the limits prescribed by law in other cases, and this remedy by injunction and punishment for violation thereof shall be cumulative of the fine imposed. The State Board of Health shall enforce the provisions of this article. The Governor shall appoint an inspector to act under the direction of said board and the State Health Officer, and said inspector shall make such investigations, inspections and reports and perform such other duties in respect to the enforcement hereof

as the said health officer may require. (Acts 1913, p. 90; Acts 1915, p. 38; Acts 1923, p. 177.)

Art. 4445. Venereal Diseases.—Syphilis, gonorrhea and chancroid, hereinafter designated venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health:

Sec. 1. Any physician or other person who makes a diagnosis in, or treats a case of syphilis, gonorrhea or chancroid, and every superintendent or manager of a hospital, dispensary, or charitable or penal institution, in which there is a case of venereal disease, shall report such case immediately, in writing, to the local health officer, stating the name and address or the office number, age, sex, color, the occupation of the diseased person, and the date of the onset of the disease, and the probable source of infection, provided that the name and address of the diseased person need not be stated, except as hereinafter specifically required in Section 5, and provided, further that all information and reports concerning persons having venereal disease shall be held secret in accordance with provisions in Section 8. The report shall be enclosed in a sealed envelope and sent to the local health officer who shall report weekly on the prescribed form to the State Board of Health, all cases reported to him. The physicians and others residing in cities having no city health officer, shall make reports required in this section direct to the county health officer where there is a county health officer in the county in which they reside, and where there is no county health officer, all such reports shall be made direct to the State Board of Health.

Sec. 2. It shall be the duty of every physician and of every other person who examines or treats a person having syphilis, gonorrhea or chancroid, to instruct him in measures preventing the spread of such disease, and of the necessity for treatment until cured, and to hand him a copy of the circular of information obtainable for this purpose from the State Board of Health.

Sec. 3. All city, county, or other health officers shall use every available means to ascertain the existence of, and to investigate

all cases of syphilis, gonorrhea, and chancroid within their several territorial jurisdictions, and to ascertain the sources of such infections. Local health officers are hereby empowered and directed to make such examination of persons reasonably suspected of having syphilis, gonorrhea or chancroid as may be necessary for carrying out the provisions of this law. Owing to the prevalence of such disease among prostitutes and persons associated with them, all such persons are to be considered within the above class.

Sec. 4. Upon receipt of a report of a case of venereal disease, the local health officer shall institute measures for protection of other persons from infection by such venereally diseased persons:

1. Local health officers are authorized and directed to quarantine persons who have, or are reasonably suspected of having syphilis, gonorrhea, or chancroid, whenever, in the opinion of said local officer, or the State Board of Health, or its executive officer, quarantine is necessary for the protection of the public health. In establishing quarantine the local health officer shall designate and define the limits of the area in which the person known to have, or reasonably suspected of having syphilis, gonorrhea, or chancroid, and his immediate attendant, are to be quarantined, and no person other than the attending physician, shall enter or leave the area of quarantine without the permission of the local health officer.

No one but the local health officer shall terminate said quarantine, and this shall not be done until the quarantined person has become non-infectious, as determined by the local health officer or his authorized deputy through clinical examination and all necessary laboratory tests, or until permission has been given him to do so by the State Board of Health or its executive officer.

2. The local health officer shall inform all persons who are about to be released from quarantine for venereal disease, in case they are not cured, what further treatment should be taken to complete their cure. Any person not cured, before released from quarantine, shall be required to sign the following statement after the blank spaces have been filled to the satisfaction of the health officer:

"I.....residing at.....
hereby acknowledge the fact that I am at
this time infected with.....; and
agree to place myself under the medical care
of....., (name of physician or
clinic).....(address) within
.....hours, and that I will remain
under the treatment of said physician or
clinic until released by the health officer of
.....or until my case is trans-
ferred, with the approval of said health of-
ficer, to another regular licensed physician or
an approved clinic.

"I hereby agree to report to the health of-
ficer within four days after beginning treat-
ment as above agreed, and will bring with
me a statement from the above physician or
clinic of the medical treatment applied in my
case, and thereafter will report as often as
may be demanded of me by the health officer.

"I agree further, that I will take all pre-
cautions recommended by the health officer
to prevent the spread of the above disease to
other persons and that I will not perform any
act which will expose other persons to the
above disease.

"I agree, until finally released by the health
officer, to notify him of any change of address
and to obtain his consent before moving my
abode outside of his jurisdiction.

.....
Signature

.....
Date

All such agreements shall be filed with the
health officer and kept inaccessible to the
public.

The commissioners' court of the various
counties and the governing body of all in-
corporated towns and cities are hereby em-
powered and directed to provide suitable
places for the detention of persons who may
be subject to quarantine and who should be
segregated for the execution of the pro-
visions of this law; and such commissioners'
courts and governing bodies of incorporated
cities and towns are hereby authorized to
incur, on behalf of their said counties, cities
or towns, the expenses necessary to the en-
forcement of this law.

Sec. 5. 1. When a person applies to a
physician or other person for the diagnosis

or treatment of syphilis, gonorrhea or chan-
croid, it shall be the duty of the physician
or person so consulted to inquire of, and as-
certain from, the person seeking such diag-
nosis or treatment, whether such person has
heretofore consulted with, or has been treated
by, any other physician or person, and if so,
to ascertain the name and address of the
physician or person last consulted. It shall
be the duty of the physician or other person
whom the applicant consults to notify the
physician or other person last consulted of
the change of advisers. Should the physician
or person previously consulted fail to receive
such notice within ten days after the last date
upon which the patient was instructed by him
to appear, it shall be the duty of such physi-
cian or person to report to the local health
officer, the name and address of such vene-
reably diseased person.

If an attending physician or other person
knows or has good reasons to suspect that a
person having syphilis, gonorrhea, or chan-
croid is so conducting himself or herself as
to expose other persons to infection, or is
about so to conduct himself or herself, he
shall notify the local health officer of the
name and address of the diseased person and
the essential facts in the case.

Sec. 6. All local and State health officers
are directed to cooperate with proper officials
whose duty it is to enforce laws directed
against prostitution, and otherwise to use
every proper means for the repression of
prostitution.

Sec. 7. Physicians, health officers, and
all other persons are prohibited from issuing
certificates of freedom from venereal disease,
provided this section shall not prevent the
issuance of statements of freedom from in-
fectious diseases written in such form, or
given under such safeguards, that their use
for solicitation for sexual intercourse would
be impossible.

Sec. 8. All information and reports con-
cerning persons infected with venereal dis-
eases shall be inaccessible to the public ex-
cept in so far as publicity may attend the
performance of the duties imposed by the
laws of the State.

Sec. 9. Any health officer or other phy-

sician who shall wilfully fail to perform the duties required of him in this article shall, in addition to the fines imposed by law, forfeit his right and license to practice medicine within this State; and the district courts of the State shall have jurisdiction of suits for the forfeiture of such license in such cases, and the suit may be filed by any citizen of the State in a court having jurisdiction, under the ordinary rules of venue, and it shall be the duty of the county and district attorneys to represent the petitioners in such suit. (Acts 4th C. S. 1918, p. 179.)

Art. 4446 [4547-53]. Legal Proceedings.—In all matters wherein the State Board of Health shall invoke the aid of the courts, the action shall run in the name of the State of Texas. The Attorney General shall assign a special assistant to attend to all legal matters of the board. Upon demand of the board, the Attorney General shall furnish the necessary assistance to the board to attend to all its legal requirements. No bond for costs, or bond on appeal or writ of error, shall be required of the State Board of Health or State officials in any action brought or maintained under this chapter. (Id. Acts 1909, 1st C. S., p. 340.)

Art. 4447. Charbon Districts.—All of that portion of this State in which charbon or anthrax has been prevalent or any district of this State in which charbon or anthrax may become prevalent, shall be known as charbon districts and shall be subject to the following provisions:

1. **Bacteriologist.—**The State Board of Health shall employ a bacteriologist at a salary of not more than \$300.00 per month and during the time that charbon or anthrax is prevalent he shall make an examination and analysis and a scientific research for the purpose of combating with said disease and he may be kept in the district affected by charbon as many months each year as said board deems necessary.

2. **Visits and isolation.—**The State Board of Health acting through one of the members or through the local health office in the county where charbon is reported to be prevalent shall in person or through some one employed by them, visit all stock reported to

have charbon or anthrox and see that proper steps be taken for the isolation of same from other stock, and also isolate other stock which have been exposed to said disease and so keep same isolated for such period as it may deem necessary.

3. Proclamation.—The proclamation of the county health officer shall be sufficient if it name the kinds or classes of stock to which it shall apply. It shall be published in some newspaper published in the county, if there be one; and if none, it shall be posted in three public places in said county, one of which shall be at the courthouse door of such county if the proclamation pertains to the whole county, but if only a subdivision of the county, then in any three public places in such subdivision. One insertion in a newspaper shall be sufficient, and such proclamation shall be effective three days after such notice is given.

4. Elections.—In all counties now or which may become affected with charbon or anthrax, the qualified voters of such county or any political subdivision thereof may, in the manner hereinafter provided, prohibit the running at large of cattle, horses, sheep, goats and hogs or any of such animals within such county or subdivision thereof; upon the petition of ten per cent of the qualified voters of such county or subdivision thereof presented to the commissioners' court of such county in open session, requesting such court to order an election to be held in such county or political subdivision thereof, said petition to state the territory within which an election is requested, the kinds of animals to be affected, and also for what portions of the year it is desired to prohibit such stock from running at large, or whether the entire year said court shall order such election to be held within such territory as may be petitioned for, naming the kinds of animals to be affected thereby and as designated in the order for such election; and the court shall also designate in said order of election the time within which such stock is to be prohibited from running at large, whether for the entire year or for portions thereof; which the said court is hereby authorized to do in accordance with the petition thereof. It is made the duty of said court to provide for the holding of such elections and compensation

of officers thereof. The expense of such election shall be borne by the county wherein such election is ordered and held. In any such election so to be held the ballots shall read as follows:

“For the Running at Large of Domestic Animals,” and

“Against the Running at Large of Domestic Animals.”

Returns of such election shall be made by the presiding officers of the precinct or precincts of the county where such election is held, to the county judge of such county, who shall forthwith call the commissioners' court together for the purpose of canvassing the returns; and if it shall be found by the commissioners' court, upon a canvass of such returns, that a majority of the qualified voters of the county or subdivision thereof wherein such election was held, is in favor of prohibiting the running at large of such domestic animals as herein named, then said court shall forthwith declare the result of said election and give public notice thereof by proclamation of such court to be issued and posted within three public places of the county or sub-division thereof in which such election has been held. (Acts 1913, p. 147.)

Art. 4477. **Sanitary Code.**—The following rules are hereby enacted as the “Sanitary Code for Texas,” adopted for the promotion and protection of the public health and for the general amelioration of the sanitary and hygienic condition within this State, for the suppression and prevention of infectious and contagious diseases, and for the proper enforcement of quarantine, isolation and control of such diseases, to-wit:

QUARANTINE AND DISINFECTION

Rule 1. **Physician to report.**—Every physician in this State shall report in writing or by an acknowledged telephone communication to the local health authority, immediately after his or her first professional visit, each patient he or she shall have or suspect of suffering with any contagious disease. If such disease is of a pestilential nature, he shall notify the President of the State Board of Health at Austin by telegraph or telephone at State expense, and report to him every death from such disease immediately after

it shall have occurred. The attending physician is authorized to and he shall place the patient under restrictions of the character described herein in the case of each respective disease.

Rule 2. "Local health authority."—For the purpose of these regulations, the term "local health authority" shall be held to designate the city or county health officer, or local board of health, within their respective jurisdictions.

Rule 3. "Contagious diseases."—The term "Contagious disease" as used in these regulations shall be held to include the following diseases, whether contagious or infectious; and as such shall be reported to all local health authorities and by said authority reported in turn to the President of the State Board of Health: Asiatic Cholera, bubonic plague, typhus fever, yellow fever, leprosy, smallpox, scarlet fever (scarlatina), diphtheria (membranous croup), epidemic cerebrospinal meningitis, dengue, typhoid fever, epidemic dysentery, trachoma, tuberculosis and anthrax.

Rule 4. Health officers to keep record.—City and county health authorities shall keep a careful and accurate record of all cases of contagious diseases as reported to them, with the date, name, age, sex, race, location and such other necessary data as may be prescribed by the State Board of Health. They shall also make a monthly report of all contagious diseases of which they may be cognizant, to the President of the State Board of Health, before the fifth of the following month, upon blank forms provided by the State Board of Health. The reports on tuberculosis are to be privately kept and are to be considered in the light of a confidential communication, not for the purpose of isolation, but with the object of education in sanitary precautions, and to supply literature of the State Board of Health.

Rule 5. Rules to quarantine and disinfection.—The following rules of instruction for the regulation of quarantine, isolation and disinfection in the several contagious diseases, hereinbefore mentioned, are to be observed by all boards of health, health officers, physicians, school superintendents and

trustees, and others. All health authorities of counties, cities, and towns in this State are hereby directed and authorized to establish local quarantine, hold in detention, maintain isolation and practice disinfection as hereinafter provided for, of all such infected persons, vehicles or premises which are infected or are suspected of being infected with any of the above named diseases whenever found.

(a) Absolute quarantine includes, first, absolute prohibition of entrance to or exit from the building or conveyance except by officers or attendants authorized by the health authorities, and the placing of guards if necessary to enforce this prohibition; second, the posting of a warning placard stating "contagious disease," in a conspicuous place or places on the outside of the building or conveyance; third, the prohibition of the passing out of any object or material from the quarantined house or conveyance; fourth, provision for conveying the necessities of life under careful restrictions to those in quarantine.

(b) Modified quarantine includes prohibition of entrance and exit, as an absolute quarantine except against certain members of the family authorized by the health authorities to pass in and out under certain definite restrictions; the placing of a placard as before; isolating of patient and attendant; prohibition of the carrying out of any object or material unless the same shall have been thoroughly disinfected.

(c) Absolute isolation includes, first, the confinement of the patient and attendants to one apartment or suites of apartments, to which none but authorized officers or attendants shall have admission; second, screening of room and entire house if necessary with not less than 16-mesh wire gauze; third, the prohibition of passing out of the sick room of any object or material until the same has been thoroughly disinfected; fourth, if in the opinion of the local health authority the patient can not be treated, with reasonable safety to the public, at home, the removal of the patient and exposures to a contagious disease hospital or pest house.

(d) Modified isolation includes the con-

finement of the patient and attendance to one room or suite or rooms, to which none but authorized officers or attendants shall have admission, but allowing the attendants to pass out of the room after disinfection of person and complete change of clothing; screening as above mentioned; the prohibition of passing any object or material out of the sick room until it has been disinfected.

(c) Special isolation includes, first, prohibition of patient from attending any place of public assemblage; second, the providing of separate eating utensils for the patient; third, prohibition of sleeping with others, or using the same towels or napkins.

(f) By complete disinfection is meant disinfection during illness, under direction of attending physician, of patient's body, of all excretions or discharges of patient and of all articles of clothing and utensils used by patient and after recovery, death or removal, the disinfection of walls, woodwork, furniture, bedding, etc.

(g) By partial disinfection is meant disinfection of discharges or excretions of patients and their clothing and the room or rooms occupied by the patient during illness.

Rule 6. Disinfection.—All disinfection prescribed in these regulations shall be a part of the control of the disease, and shall be done according to the direction of the Texas State Board of Health in its circular on disinfection.

Rule 7. Health authority shall placard all houses where contagious diseases exist.—Upon notice that smallpox, diphtheria, scarlet fever, or other quarantinable disease exists within his jurisdiction, it shall be the duty of the local health authority to have the house in which such disease prevails placarded by placing a yellow flag or card not less than eight inches wide and twelve inches long with the words 'contagious disease' and the quarantine regulations printed thereon in a conspicuous place on said house.

Rule 8. Going to or leaving quarantined premises.—After the house is flagged or placarded, all persons except the attending physician or health officer are forbidden from going in or leaving such premises, without the

permission of the local health authority, and the carrying off, or causing to be carried off, of any material whereby such disease may be conveyed, is prohibited until after the disease has abated and the premises, dwelling and clothing have been disinfected and cleaned as the local health authority may direct.

Rule 9. Persons exposed to disease shall obey authority.—It shall be the duty of all persons infected with any contagious disease, or who, from exposure to contagion from such disease, may be liable to endanger others who may come in contact with them, to strictly observe such instructions as may be given them by any health authority of the State, in order to prevent the spread of such contagious disease, and it shall be lawful for such health authorities to command any person thus infected or exposed to infection to remain within designated premises for such length of time as such authority may deem necessary.

Rule 10. Certain persons not allowed on thoroughfares.—All persons having any quarantinable disease are prohibited from riding on any public vehicle or conveyance, and from being upon public thoroughfares or in public assemblages.

Rule 11. Placard not to be destroyed or removed.—No person shall alter, deface, remove, destroy or tear down any card posted by a local health authority. The occupant or persons having possession or control of a building upon which a quarantine notice has been placed shall within twenty-four hours after the destruction or removal or such notice by other than the proper health authority, notify the local health authority of such destruction or removal.

Rule 12. Quarantinable pestilential disease.—In the management and control of the following pestilential disease: cholera, plague, typhus fever and yellow fever, the house must be placarded, premises placed in absolute quarantine, patient in absolute isolation and complete disinfection done upon death or recovery taking place.

Rule 13. Dangerous contagious diseases; modified quarantine.—In the management and control of leprosy, smallpox, scarlet fever (scarlatina), diphtheria (membranous croup),

and dengue, it is required that the house be placarded, premises placed in modified quarantine, patient in modified isolation, and complete disinfection done upon death or recovery.

Rule 14. Non-quarantinable contagious disease.—The management and control of typhoid fever, cerebro-spinal meningitis (epidemic), dysentery, trachoma (acute catarrh conjunctivitis), tuberculosis and anthrax require special isolation and partial disinfection.

Rule 15. Quarantinable for school purposes.—Persons suffering from measles, whooping cough, mumps, German measles, (rotheln) and chickenpox, shall be required to be barred from school for twenty-one days (at the discretion of the local health officer) from date of onset of the disease, with such additional time as may be deemed necessary; and may be readmitted on a certificate by him attesting to their recovery and non-infectiousness.

Rule 16. Minor diseases to be excluded during illness.—Those actually suffering from tonsillitis, scabies (itch), impetigo contagiosa, favus, shall be excluded from school during such illness and be readmitted on the certificate of the attending physician attesting to their recovery and non-infectiousness.

Rule 17. Rules not exclusive.—The above requirements shall in no sense be construed as abrogating any additional precautionary measures enforced by local health authorities, but it is expected that additional restrictive measures will be taken at the discretion of the local health authority when the necessity arises more especially in the more densely populated cities and towns, or when violations of quarantine occur.

Rule 18. Authorities to investigate reported cases.—Whenever a local health authority is informed or has reason to suspect that there is a case of smallpox, scarlet fever, or other reportable disease within the territory over which he has jurisdiction, he shall immediately examine into the facts of the case and shall adopt the quarantine or employ the sanitary measures as herein provided.

Rule 19. Shall see that quarantine and disinfection is carried out.—Within his jurisdic-

tion, each and every local health authority shall see that the quarantine or disinfection of any house, building, car, vessel, or vehicle, or any part thereof, and of article therein likely to retain infection, is carried out, and that all persons who have been in quarantine are required to take a disinfecting bath before the same are released. In the event of the disease having been smallpox, all persons exposed shall be isolated for eighteen days from the time of last exposure unless successfully vaccinated.

Rule 20. Premises to be disinfected before re-occupied.—No person shall offer for hire or cause or permit any one to occupy apartments, previously occupied by a person ill with smallpox, scarlet fever, diphtheria or tuberculosis, or any quarantinable disease, until such apartments shall have been disinfected under the supervision of the local health authority.

Rule 21. Placard premises on failure to disinfect.—Whenever these rules and regulations, or whenever the order or direction of the local health authority requiring the disinfection of articles, premises or apartments, shall not be complied with, or in case of any delay, said authority shall forthwith cause to be placed upon the door of the apartment or premises a placard as follows: "These apartments have been occupied by a patient suffering with a contagious disease and they may have become infected. They must not again be occupied until my orders directing the renovation and disinfection of same have been complied with. This notice must not be removed, under penalty of the law, except by an authorized health official."

Rule 22. Nurses to report redness of eyelids or inflammation.—Whenever any nurse, midwife or other person not legally qualified practitioner of medicine shall notice inflammation of the eyes or redness of the lids in a new-born child under his or her care, it shall be the duty of such person to report the same to the local health authority or in his absence, any reputable physician, within twelve hours of the time the disease is first noticed.

Rule 23. Householders to report contagious diseases.—Every hotel proprietor, keeper of a boarding house or inn, and householder or

head of a family in a house wherein any case of reportable contagious disease (including tuberculosis) may occur shall report the same to the local health authority within twelve hours of the time of his or her first knowledge of the nature of such disease, unless previous notice has been given by the physician in attendance; and in cases of quarantinable diseases until instructions are received from the said local health authority shall not permit any clothing or other article which may have been exposed to infection to be removed from the house; nor shall any occupant of said house change his residence elsewhere without the consent of the said local health authority.

Rule 24. Employees with reportable diseases.—No person who resides in a house in which there exists a case of smallpox, scarlet fever, diphtheria, or typhoid fever, shall work or be permitted in or about any dairy, or any establishment for the manufacture of food products, until the local health authority has given such a person a written certificate to the effect that no danger to the public will result from his or her employment or presence in such establishment.

Rule 25. To send physician printed matter.—Immediately after being notified of any case of smallpox, scarlet fever, diphtheria, typhoid fever, or tuberculosis, the local health authority shall send to the attending physician, or with his approval directly to the patient the printed matter published by the State Board of Health relative to the prevention and control of such disease.

Rule 26. Persons excluded from schools.—Persons afflicted with trachoma, granulated lids, or contagious catarrhal conjunctivitis must be excluded from schools, public assemblages, and from close association with other individuals, unless they are under the constant care and strict supervision of a competent physician, and hold a certificate from said physician stating that active inflammation has subsided, said certificate to be countersigned by a local health authority.

Rule 27. Schools temporarily closed.—A schoolhouse wherein a child suffering from smallpox, scarlet fever or diphtheria has been present, shall be deemed infected and must be

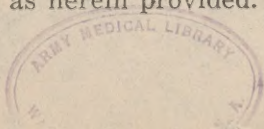
temporarily closed and thoroughly disinfected and cleaned under the supervision of the local health authority before reopening of the school.

Rule 28. School to open after disinfection.—In the event of the aforementioned disease being smallpox and in the case the Board of Trustees having passed a regulation requiring a successful vaccination of all teachers and pupils, the school may be reopened immediately after the disinfection and cleaning, and all teachers and pupils who have been successfully vaccinated may return; otherwise the school shall be kept closed eighteen days or until the local health authority directs otherwise.

Rule 29. To notify superintendents of pupils from infected houses.—The local health authority shall notify the superintendent or principal of any school of the location of quarantinable diseases, and if the superintendent or principal finds any attendants in such school who live in said houses, he shall deny them admission to the said schools, only admitting them again upon presenting a certificate from the attending physician, countersigned by the local health authority, that there is no longer danger from contagion.

Rule 30. Children with diseases shall not attend school. No superintendent, principal or teacher of any school, and no parent, master or guardian of any child or minor, having the power and authority to prevent, shall permit any child or minor, having any quarantinable disease, or any child residing in any house in which any such disease exists or has recently existed, to attend any public, private, parochial, church or Sunday school until the requirements of these rules have been complied with.

Rule 31. Health authorities to assume control of quarantine.—In all incorporated cities and towns the city health authorities shall assume control and management of contagious diseases and exposures and practice quarantine, isolation and disinfection as herein provided. In those portions of all counties outside of incorporated cities and towns the county health officer shall assume management and control of contagious diseases and exposures and practice quarantine, isolation and disinfection as herein provided.



Rule 32. These rules do not prevent local rules.—These regulations shall not be construed to prevent any city, county or town from establishing any quarantine which they deem necessary for the preservation of the health of the same, provided, that the rules and regulations of such quarantine be not inconsistent with the provisions of these regulations and be subordinate to said provisions, and the rules and regulations prescribed by the Governor and State Board of Health. The local health authority shall at once furnish the President of the State Board of Health with a true copy of any quarantine orders and regulations adopted by said local authorities.

Rule 33. Authorities may pass through quarantine lines.—All health authorities shall be allowed to pass through all quarantine lines, whether instituted at the instance of State or local authorities, they first requesting permission and acquainting the officers or guards in charge with the fact of their being properly authorized health officers, and with the additional statement that they are fully acquainted with the nature of the disease that they are visiting, and further that they will take proper precaution to prevent carrying the infection themselves.

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